FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR
WRIT PETITION NO: 2386/ 2007
(R.Chaudhari Constable CRPF Nagpur vs. DGP New Delhi and others)

Office Notes, Office Memorandum of Coram appearances, Court's orders of directions and Registrar's orders.	Court's or Judges Order

.....

Mr. R.S.Sahare Adv. for petitioner
Mr. Bangde, Central Govt.Counsel for Respondents

CORAM: D.K.DESHMUKH & R.C.CHAVAN,JJ.
DATED: 20th SEPTEMBER, 2007.

***

Heard Mr. R.S.Sahare, learned counsel for petitioner.

2. The petitioner had opted for ACP scheme from 2004 and, therefore, promotion is denied to him in terms of Circular dated 10th July 2005. Learned counsel for petitioner submits that the petitioner had not opted for the ACP Scheme but payment was made to him. Even if it is assumed that he has not opted for the Scheme, but his conduct of accepting the amount to which he not entitled to, in the absence of opting for the scheme

shows that in any case, he opted for the scheme by conduct. If the petitioner did not want to opt for the scheme he would have returned the amount immediately. When the petitioner wanted to take benefit of the Circular dated 12.7.2005, it was for him to immediately write a letter after 12th July 2005 and return the amount. The petitioner did not do it. Therefore, we do not find any illegality in the action of the respondents. Petition is dismissed.

JUDGE JUDGE

sahare